

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1-4 are cancelled, and claims 10-15 are added. Claims 5-9 remain in this application as amended herein. Accordingly, claims 5-15 are submitted for the Examiner's reconsideration.

In the Office Action, claim 5 was rejected under 35 U.S.C. § 112, first paragraph. The claim has been amended to correct the informalities by more clearly showing the locations at which each step of the claim occurs.

Claims 6-9 were rejected under 35 U.S.C. § 112, first paragraph as being dependent upon claim 5. As noted above, claim 5 has been amended to correct the informalities.

It is therefore submitted that claims 5-9 are in full compliance with the requirements of 35 U.S.C. § 112, first paragraph.

Claims 5, 6 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pieterse (U.S. Patent No. 5,714,741) in view of Davis (U.S. Patent No. 6,311,167). Applicants submit that the claims are patentably distinguishable over the cited references.

Independent claim 5 defines a method that includes:

sending, from the financial institution to a host center, the authenticated user request;

wirelessly transmitting, from the host center to the portable terminal, the authenticated user request and a further request for authentication data;

receiving, at the portable terminal, the further request for authentication data from said host center;

wirelessly transmitting, from the portable terminal to the host center, the requested authentication data;

authenticating, at the host center, the portable terminal based on the wirelessly transmitted authentication data;

wirelessly transmitting, from the host center to the portable terminal, permission for updating the value data in the integrated circuit when the portable

terminal has been authenticated;

receiving, at the portable terminal, the permission for updating the value data in the integrated circuit card;

and that further includes:

wirelessly sending, from the portable terminal to the host center, the notification of completion of said updating of the value data.

The Pieterse patent describes a device having a slot for inserting an IC card. A user initiates a transaction by entering a code into a keyboard of the device and then dialing the telephone number of a service provider, such as a bank. As Fig. 7 shows, the device is then placed next to a telephone handset such that the microphone of the device faces the earpiece of the telephone handset and the speaker of the device faces the mouthpiece of the telephone handset. The service provider then communicates over the telephone network and through the telephone to the device to change the balance of the IC card. The service provider does not send a user request to a host center to communicate with the device but instead communicates with the device via the telephone that initiated the transaction. Pieterse therefore does not disclose or suggest the above-recited steps of claim 1.

The Examiner acknowledges that Pieterse also fails to specifically teach or suggest that the portable terminal is a pager but contends that the Davis patent discloses a portable two-way terminal for consummating financial transactions and that the portable terminal may be a cellular phone or pager. The sections of Davis that are cited by the Examiner, however, do not remedy the other deficiencies of Pieterse.

It follows that claim 5 is patentably distinct and unobvious over the cited references.

Claims 6 and 9 depend from claim 5 and are distinguishable over the cited art for at least the same

reasons.

The Examiner also rejected claims 7-8 under 35 U.S.C. § 103(a) as being unpatentable over Pieterse in view of Davis and further in view of Zuppich (U.S. Patent No. 6,213,392). However, it is submitted that the claims are patentably distinguishable over the cited references.

Claims 7 and 8 depend from claim 5 and, for at least the same reasons, are distinguishable over Pieterse and Davis.

The Examiner asserts that the Zuppich patent teaches a smart card and smart card interface system that includes a buzzer. The cited sections of the patent, however, do not remedy the deficiencies of Pieterse and Davis as described above.

Accordingly, withdrawal of the rejection under 35 U.S.C. § 103 is respectfully requested.

New claims 10 and 13 each include limitations from claim 5 that are distinguishable over the cited references at least for the reasons set out above. New claims 11 and 12 depend from claim 10, and new claims 14-15 depend from claim 13. Therefore, each of claims 11-12 and 14-15 are distinguishable over the cited art for at least the same reasons. Support for new claims 10-15 is similar to that of claims 5-9.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have. If there are any additional charges in connection with this requested amendment,

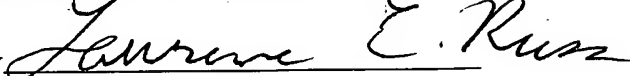
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the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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